

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1523 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

BARODA MUNICIPAL CORPORATION

Versus

MAHILA GRUH UDYOG-LIJJAT PAPAD

Appearance:

MR PRANAV G DESAI for Petitioners

MR NIRAV CHOKSI for MR YN OZA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/12/1999

ORAL JUDGEMENT

#. Since beginning when the matter was called out, the only contribution of Mr.Choksi was to make attempt to get this matter adjourned on one or other pretext. Firstly, he prayed for adjournment of this matter on the ground that he received papers of this case only in the morning

and this request was not accepted looking to the fact that this matter is old one of the year 1995. He then stated that Mr. Oza is to make submissions in the matter and he is busy in other court but the court rejected this prayer also but still he went on repeating the same. I do not appreciate this behaviour and manner of this junior advocate in the court. Repeatedly the court has asked him that if he want to make submission he can make submission. However, he made submission. Whatever submission made by him were considered.

#. On 8.9.95, this court ordered:

Rule. Ad-interim relief in terms of para 15-B.

Notice as to interim relief returnable on 16.10.95.

Having heard the learned counsel for the parties and keeping in view the order of this court dated 8.9.1995 interest of justice will be met in case this civil revision application is disposed of in the terms that interim relief granted by this court earlier shall continue till decision of the trial court in the suit. It is a matter where the petitioners are claiming that the respondents are liable to pay octroi on its goods which are brought within the limits of Baroda Municipal Corporation whereas it is the case of the respondents that those goods are not subject to payment of any octroi. Whatever amount received by the Corporation is being utilized for welfare and development of the city. Whether the octroi is payable or not by respondents-plaintiffs is a matter to be decided by the learned trial court but in case this octroi is not received by Vadodara Municipal Corporation where it is payable, certainly it will adversely affect its functioning and as a result thereof, people of Vadodara city will be deprived of the benefits and other welfare schemes. Such matters are to be given priority in hearing. The learned trial court is directed to dispose of the suit filed by plaintiffs-respondents within a period of six months from the date of receipt of writ of this order or certified copy thereof, whichever is earlier. If the petitioners have not filed written statement to the suit, the same shall be filed within fifteen days from the first date fixed by the trial court after receipt of writ of this order. The issues shall be framed within seven days next and the plaintiffs-respondents shall complete evidence within a period of two months next. Then the defendants will complete their evidence within two months and in the remaining period, the learned trial court shall hear arguments and give judgment in the suit. Rule and civil revision application stand disposed of accordingly with

no order as to costs.

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[sunil]